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BS 1035



Order Filed on November 15,  
2016 by Clerk U.S. Bankruptcy  
Court District of New Jersey

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In Re: : Bankruptcy Division  
: United States Bankruptcy Court  
: District of New Jersey  
: Bankruptcy No. 16-11865-JNP  
:  
: Chapter 13  
:  
:  
:  
Richard D. Barber :  
Sherri L. Barber, :  
:  
Debtors. : Hearing Date: 11/15/2016  
: @ 10:00 a.m.

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### ORDER APPROVING LOAN MODIFICATION

The relief set forth on the following page is hereby **ORDERED**.

**DATED: November 15, 2016**



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Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

THIS MATTER having come before the Court on the debtors Motion for Order Approving Loan Modification, and the Court having considered the debtor's motion and any opposition thereto, and good and sufficient cause appearing there from for the entry of this order, it is hereby

**ORDERED** that the debtor be and hereby are allowed a loan modification for real property located at 309 S. New Leaf Ct., Galloway, NJ 08205 pursuant to the terms outlined in the debtor's certification in support of the loan modification motion; and it is further

**ORDERED** that debtor is authorized to pay the usual and necessary costs and expenses of the settlement; and it is further

**ORDERED** that the debtor shall:

       Satisfy all Plan obligations from financing proceeds

       Continue to make payments under the Plan as proposed or confirmed

  X   Modify the Plan as follows: Remove Nationstar Mortgage from Plan.

**ORDERED** that the Court hereby authorizes secured creditor and debtor to enter into a loan modification; and it is further

**ORDERED** that in the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, secured creditor shall amend the arrearage portion of its proof of claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification; and it is further

**ORDERED** that the Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of loan modification and all money that would otherwise be paid to secured creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the secured creditor that the modification was not consummated; and it is further

**ORDERED** that in the event the modification is not consummated, the secured creditor shall notify the Trustee and debtor attorney of same. Any money that was held by the Trustee pending completion of the modification shall be paid to secured creditor; and it is further

**ORDERED** that in the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan; and it is further

**ORDERED** that the debtor shall file an Amended Schedule J and Modified Plan within twenty (20) days of this Order; and it is further

**ORDERED** that Communication and/or negotiations between debtor and mortgagees/mortgage servicers about loan modification shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against the other in any subsequent litigation; and it is further

**ORDERED** that the debtor provide an executed copy of the Loan Agreement within ten (10) days of closing; and it is further

**ORDERED** that debtor counsel be allowed a legal fee of \$ 500.00 for representation in connection with this motion, which is to be paid (**choose one**):

           at closing                        X   through the plan                                 outside the plan;  
and it is further

**ORDERED AND DECREED** that Nationstar Mortgage, LLC is hereby authorized and permitted to file and record with the appropriate Court Clerk's Office the Loan Modification Agreement and that such recording shall not be deemed a violation of 11 USC §362

Certificate of Notice Page 4 of 4  
United States Bankruptcy Court  
District of New Jersey

In re:  
Richard D. Barber  
Sherri L. Barber  
Debtors

Case No. 16-11865-JNP  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Nov 16, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 18, 2016.

db/jdb Richard D. Barber, Sherri L. Barber, 309 New Leaf Ct, Galloway, NJ 08205-9654

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 18, 2016

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 16, 2016 at the address(es) listed below:

Brad J. Spiller on behalf of Debtor Richard D. Barber bankruptcy@brennerlawoffice.com  
Brad J. Spiller on behalf of Joint Debtor Sherri L. Barber bankruptcy@brennerlawoffice.com  
Denise E. Carlon on behalf of Creditor LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2N, U.S. Bank National Association, as Trustee dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Patrick O. Lacsina on behalf of Creditor Nationstar Mortgage LLC gshasa@rasnj.com, bmusarra@rasnj.com, bkyecf@rasflaw.com, legerman@rasnj.com  
Steven P. Kelly on behalf of Creditor FNBN I, LLC, by PennyMac Loan Services, LLC, its servicing agent skelly@sterneisenberg.com, bkecf@sterneisenberg.com

TOTAL: 6